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of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff,

Plaintiff,

v.

DICHTER-MAD FAMILY PARTNERS, LLP, et al.,

Defendants.

Adv. Pro. No. 11-01271 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Andrew Rosenberg, Sharon Rosenberg, Richard Sonking, Ruth Sonking, and White Mountain Sports Inc. Profit Sharing Plan, by and through their counsel, Christoph Heisenberg of Hinckley & Heisenberg LLP, and defendants Martin Schulman, Martin Schulman Individual Retirement Account, and Suzanne M. Schulman, by and through their counsel, George Ziegler of Ziegler & Robinson (the “Remaining Defendants”),¹ hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced an adversary proceeding, titled *Picard v. Cohmad Securities Corp., et al.*, Adv. Pro. No. 09-01305 (SMB) (the “Cohmad Adversary Proceeding”) by filing a complaint [Adv. Pro. No. 09-01305, ECF No. 1] against multiple defendants (the “Cohmad Defendants”), including (among others) Cohmad Securities Corporation.

2. On January 19, 2011, the Trustee commenced the above-captioned adversary proceeding, *Picard v. Dichter-Mad Family Partners, LLP, et al.*, Adv. Pro. No. 11-01271 (SMB), seeking to enjoin seven lawsuits and arbitrations brought by the Remaining Defendants and former defendants² against the Cohmad Defendants pending the completion of the Cohmad Adversary

¹ The Trustee and the Remaining Defendants are hereinafter collectively referred to as the “Parties.”

² Multiple defendants have previously been dismissed from the above-captioned adversary proceeding [ECF Nos. 10, 11, 15, and 44].

Proceeding [ECF No. 1].³

3. On February 10, 2011, this Court entered a Stipulation and Consent Order wherein the Trustee and Remaining Defendants Martin Schulman, Martin Schulman Individual Retirement Account, and Suzanne M. Schulman agreed to, among other things, a stay of an action against a Cohmad Defendant pending the completion of the Cohmad Adversary Proceeding [ECF No. 12].

4. On March 28, 2011, this Court entered a Stipulation and Consent Order wherein the Trustee and Remaining Defendants Richard Sonking and Ruth Sonking agreed to, among other things, a stay of an action against multiple Cohmad Defendants pending the final disposition of the Cohmad Adversary Proceeding [ECF No. 19].

5. On March 28, 2011, this Court entered a Stipulation and Consent Order wherein the Trustee and Remaining Defendants Andrew Rosenberg and Sharon Rosenberg, as trustees of the White Mountain Sports, Inc. Profit Sharing Plan, agreed to, among other things, a stay of an action against multiple Cohmad Defendants pending the final disposition of the Cohmad Adversary Proceeding [ECF No. 20].

6. On July 21, 2020, a Stipulation and Order for Voluntary Dismissal of the Cohmad Adversary Proceeding was entered on the Court's docket [Adv. Pro. No. 09-01305, ECF No. 419].

7. Andrew Rosenberg, Sharon Rosenberg, Richard Sonking, Ruth Sonking, White Mountain Sports Inc. Profit Sharing Plan, Martin Schulman, Martin Schulman Individual Retirement Account, and Suzanne M. Schulman are the Remaining Defendants in the above-captioned adversary proceeding.

8. Given the dismissal of the last remaining defendant in the Cohmad Adversary Proceeding, for which the stays were granted, the stays are no longer necessary for the Trustee's

³ All ECF numbers referenced herein are applicable to Adversary Proceeding No. 11-01271 (SMB), unless otherwise indicated.

benefit, and in accordance with Federal Rule of Civil Procedure 41(a)(1), made applicable hereto by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal of the above-captioned adversary proceeding without prejudice and without costs to either the Trustee or the Remaining Defendants.

9. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties, their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

10. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

11. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Date: August 6, 2020
New York, New York

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SO ORDERED this 6th day of **August** 2020.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge